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Measures to prevent terrorists from acquiring weapons of mass destruction

Report of the Secretary-General

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I. Introduction

1. In its resolution 62/33, entitled "Measures to prevent terrorists from acquiring weapons of mass destruction", the General Assembly urged all Member States to take and strengthen national measures, as appropriate, to prevent terrorists from acquiring weapons of mass destruction, their means of delivery and materials and technologies related to their manufacture, and invited them to inform the Secretary-General, on a voluntary basis, of the measures taken in that regard. The Assembly further requested the Secretary-General to compile a report on measures already taken by international organizations on issues relating to the linkage between the fight against terrorism and the proliferation of weapons of mass destruction, and seek the views of Member States on additional relevant measures for tackling the global threat posed by the acquisition by terrorists of weapons of mass destruction, and to report to the Assembly at its sixty-third session. The present report is submitted in response to that request.

2. By a note verbale dated 25 February 2008, Member States were invited to inform the Secretary-General of the measures taken, and to communicate their views on the issue. On 22 February 2008, letters were also dispatched to relevant international organizations, including relevant bodies and agencies of the United Nations, inviting them to provide executive summaries of their contributions for inclusion in the report of the Secretary-General, while their submissions, in extenso, are posted on the website of the Office for Disarmament Affairs. Organizations that had reported their relevant activities in 2006 were invited to submit only new information in relation to what they had previously submitted.

3. As at 15 July 2008, replies had been received from Cambodia, Canada, China, Cuba, Norway, Panama, Poland, Qatar, Slovakia and Ukraine, which are reproduced or summarized in section II of the present report. Replies were also received from 11 international organizations and are summarized in section III of the present report.

II. Replies received from Member States

Cambodia

[Original: English]
[6 May 2008]

1. Article 54 of the Constitution of the Kingdom of Cambodia stipulates that: "The manufacturing, use, storage of nuclear, chemical or biological weapons shall be absolutely prohibited". This is the basic principle for establishing laws and regulations of the Kingdom of Cambodia to prohibit any individual from using or storing weapons of mass destruction in the territory of Cambodia.

2. Based on Royal Decree of Cambodia No. NS/RKM/0707/018 dated 20 July 2007, on the promulgation of the law on the fight against terrorism, the Royal Government of Cambodia has established a number of mechanisms and laws to ensure effectiveness in preventing terrorists from acquiring weapons of mass destruction such as the:

(a) National Committee for the fight against and the prevention of terrorism;

(b) National Authority to prevent chemical, nuclear and biological and radioactive weapons. The National Authority is led by Tea Banh, Deputy Prime Minister and Minister of National Defence of Cambodia. The Authority's main objective is to prohibit the processing, storage and use of nuclear, chemical and biological and radioactive weapons and other chemical substances related to their manufacture.

3. Cambodia is fully committed to pursuing and complying with the international conventions, agreements, decisions and measures related to the fight against terrorism aimed to prevent terrorists from acquiring weapons of mass destruction.

Canada

[Original: English]
[10 June 2008]

1. Canada has a comprehensive legislative and regulatory framework to help prevent non-State actors, including terrorists, from having access to weapons of mass destruction and related materials. Details on these frameworks and related enforcement mechanisms can be found in Canada's three reports submitted to the Security Council Committee established pursuant to resolution 1540 (2004).

2. Canada has a comprehensive export control system, which ensures that transfers of controlled goods and technologies are not diverted to weapons of mass destruction programmes or delivery systems. Canada is an active member in all multilateral export control regimes as well as a signatory to several international non-proliferation agreements.

3. Canada's national security is closely affected by actions beyond its borders. To prevent terrorists and countries of proliferation concern from acquiring weapons and materials of mass destruction and related know-how, Canada has committed up to C$ 1 billion over 10 years to the G-8-led Global Partnership against the Spread of Weapons and Materials of Mass Destruction. Focusing initially on Russia, Ukraine and countries of the former Soviet Union, Canada is involved in projects for the destruction of chemical weapons, the dismantlement of nuclear submarines, nuclear and radiological security, the redirection of former weapons scientists and biological non-proliferation. Canada intends to complete its work on these and other projects and cooperate with its partners in order to eliminate the threat to Canada and the international community.

4. Canada is an active partner in the Global Initiative to Combat Nuclear Terrorism (GICNT). The Global Initiative is fostering practical international cooperation to strengthen frameworks to counter nuclear and radiological terrorism. Canada made an important contribution to the Global Initiative Plan of Work by hosting a GICNT conference on security of radioactive sources in Ottawa (10-11 June 2008).

5. Canada is an active participant in the Proliferation Security Initiative, which aims to help prevent trafficking in weapons of mass destruction and related material, as well as their means of delivery. The Initiative can be regarded as an integral part of the implementation of paragraph 10 of Security Council resolution 1540 (2004).

6. Canada has been a State Party to the Convention on the Physical Protection of Nuclear Material since 1987. In 2005, Canada, along with 87 other States Parties, agreed unanimously to an Amendment designed to correct certain deficiencies in the original Convention. Canada has received authority to proceed with the implementation and ratification of the Amendment.

7. Canada has already partially implemented the requirements of the Amendment in the form of revised Nuclear Security Regulations adopted pursuant to the Nuclear Safety and Control Act in 2006. Canada will be in a position to ratify the Amendment once additional implementing legislation is passed by Parliament.

8. In 2008 Canada will continue to work towards ratification and implementation of the 2005 Protocols to the Convention on the Suppression of Unlawful Acts at Sea Against the Safety of Maritime Navigation, the International Convention for the Suppression of Acts of Nuclear Terrorism and the Amendment to the Convention on the Physical Protection of Nuclear Material.

9. As a Participating Government of the Nuclear Suppliers Group (NSG), Canada has actively pursued amendments to strengthen the NSG Guidelines. Canada is also a member of the Zangger Committee, the role of which is to interpret States' obligations pursuant to article III of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT).

10. Canada has affirmed its commitment to the objectives of the IAEA Code of Conduct for the Safety and Security of Radioactive Sources, and has indicated that it will work towards full implementation of the provisions of the Code, including the associated Guidance on the Import and Export of Radioactive Sources (Guidance). As part of this commitment, the Canadian Nuclear Safety Commission implemented in January 2006 a sealed source tracking system as part of its National Sealed Source Registry, designed to track risk-significant radioactive sources from cradle to grave domestically. Effective 1 April 2007, the Canadian Nuclear Safety Commission initiated full implementation of an enhanced export and import control program for risk-significant radioactive sources covered by the Code and Guidance.

11. In 2004, the Canadian Parliament passed the Biological and Toxin Weapons Convention Implementation Act. This measure will function to make it more difficult for terrorists to acquire and/or use biological weapons. The Act is framework legislation, streamlining existing laws that deal peripherally with biological weapons issues, providing a more complete legal basis for the regulation of dual-use biological agents, and establishing stricter penalties for contraventions of the Biological and Toxin Weapons Convention.

12. Canada prevents acquisition by terrorists of chemicals that could be used in weapons of mass destruction by its strict licensing requirements. In this manner, licenses are required for the production, use, acquisition and stockpiling of schedule 1 chemicals. For the transfer, production and use of schedule 2 and the production of schedule 3 chemicals, declarations are required.

13. In 2005, the Government of Canada released its chemical, biological, radiological and nuclear (CBRN) strategy. The strategy focuses on prevention and mitigation, preparedness, response and recovery from CBRN terrorist events and includes provisions to keep CBRN-related materials out of the possession of terrorists.

14. In January 2004, the Government of Canada established the National Risk Assessment Centre within the Canada Border Services Agency. The Centre increases Canada's ability to detect and stop the movement of high-risk people and goods into the country.

15. The Canada Border Services Agency is implementing a radiation detection programme at Canada's busiest ports to screen all marine containers for illicit radioactive material.

China

[Original: Chinese]
[6 May 2008]

1. The Government of China opposes the proliferation of weapons of mass destruction and their means of delivery as well as terrorism in all its forms, and supports General Assembly resolution 62/33 and international cooperation to combat terrorism and the proliferation of such weapons.

2. The Government of China is conscientiously implementing Security Council resolution 1373 (2001) and, at the request of the Counter-Terrorism Committee, has submitted five national reports describing the measures taken to prevent terrorists from acquiring weapons of mass destruction.

3. The Government of China is conscientiously implementing Security Council resolution 1540 (2004) and was one of the first countries to submit, pursuant to that resolution, a national report and supplementary information to the 1540 Committee. In July 2006, China, along with the United Nations and the European Union, organized in Beijing the first seminar for the Asia-Pacific region on the implementation of resolution 1540 (2004).

4. The Government of China has already established a comprehensive legislative framework for controlling exports of nuclear, biological and chemical material and ballistic missiles and, in accordance with its international obligations and mindful of actual needs in the area of export control, has strengthened the relevant laws. China's export control standards and mechanisms are in line with current international practice.

5. The Government of China abides strictly by its obligations under the Treaty on the Non-Proliferation of Nuclear Weapons, the Biological and Toxin Weapons Convention and the Chemical Weapons Convention and takes an active part in the work of the International Atomic Energy Agency (IAEA) and the Organisation for the Prohibition of Chemical Weapons. The Government of China supports the efforts undertaken by IAEA to prevent acts of nuclear terrorism and complies strictly with the Code of Conduct on the Safety and Security of Radioactive Sources.

6. China has signed and ratified the International Convention for the Suppression of Acts of Nuclear Terrorism and has made a significant contribution to efforts to amend the Convention on the Physical Protection of Nuclear Material.

7. China joined the Global Initiative to Combat Nuclear Terrorism as one of the initial partner nations and has contributed significantly to its establishment and

development. In December 2007, China and the United States of America organized a seminar in Beijing on the tracking of radioactive material.

Cuba

[Original: Spanish]
[11 June 2008]

1. Cuba's position on the question of international terrorism is based on an ethical principle: the unequivocal condemnation of all terrorist acts, methods and practices in all their forms and manifestations, committed wherever and by whomever, whatever the motive, and the categorical condemnation of all acts and actions, regardless of their instigators or perpetrators, designed to encourage, support, finance or cover up any terrorist act, method or practice.

2. For over 40 years, Cuba has been the victim of the most ruthless form of State terrorism intended to destroy, by means of terror, instability and uncertainty, the political and social system freely chosen by the Cuban people in full exercise of their right to self-determination. As part of those attempts, the territory of the United States of America has been constantly and systematically used to finance and organize terrorist acts against Cuba and to train the perpetrators of those acts.

3. Cuba takes the view that all terrorist acts and actions affect the lives, health, property and security of innocent people, violate the sovereignty and territorial integrity of States, imperil the functioning and stability of national institutions, cause serious harm to the productive infrastructure and economic activity of States and exacerbate instability at the international level by creating new pressure points and triggering, on occasion, international conflicts. In that connection, the potentially devastating consequences of the use of weapons of mass destruction increases the seriousness of terrorist acts and actions.

4. Humanity has borne witness to the horrors caused by the use of nuclear weapons, which are now much more powerful than the atomic bombs used by the Government of the United States of America against the Japanese cities of Hiroshima and Nagasaki.

5. Cuba advocates truly effective international cooperation that will make it possible to prevent and combat all terrorist acts on the basis of international legitimacy and with full respect for the principles of international law and the purposes and principles enshrined in the Charter of the United Nations.

6. Cuba does not possess and has no intention of acquiring weapons of mass destruction. The possession of this type of weapon has never been part of its national defence strategy.

7. Cuba has an effective, predictable and reliable system for the national implementation of its international obligations deriving from its status as a State party to the Biological Weapons Convention, the Chemical Weapons Convention, the Treaty on the Non-Proliferation of Nuclear Weapons and the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (the Treaty of Tlatelolco), and as a member of the Organisation for the Prohibition of Chemical Weapons, the International Atomic Energy Agency and the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean.

8. That system is based on a package of national regulations, laws and standards which, together with the relevant bodies, allow for compliance with Cuba's international commitments and give effect to the sovereign decision of the Cuban people to strive resolutely for the total elimination of all weapons of mass destruction. On several occasions, the Government of the Republic of Cuba has made use of public forums to provide information about the existence of that legislation and of the relevant national bodies.

9. Examples of the arrangements described in the preceding paragraph can be found in the informational documents submitted by Cuba within the framework of the Biological and Chemical Weapons Conventions, or the reports required pursuant to Security Council resolutions 1373 (2001) and 1540 (2004), all of which can be easily accessed via the website of the United Nations.

10. Owing to its significance, particular reference should be made to Cuba's ratification of or accession to 12 of the existing 13 international conventions and agreements on terrorism. Consideration is currently being given to acceding to the International Convention for the Suppression of Acts of Nuclear Terrorism, in accordance with the country's established constitutional procedures.

11. Cuba takes the view that no measure designed to prevent the commission of terrorist acts with weapons of mass destruction will be sufficient or effective as long as such weapons exist, and thus emphasizes that the total elimination of weapons of mass destruction is the only truly effective way to prevent their use.

12. There have been significant developments in the biological and chemical spheres but not in the nuclear arena, since thousands of nuclear weapons still exist. Even worse, there is no suggestion that an acceptable solution to that problem will be found in the medium term. The Governments of the United States of America and of other nuclear powers are opposed to immediate negotiations on the total elimination of nuclear weapons. They have made their position clear by, inter alia, refusing to embark upon such negotiations within the framework of the Conference on Disarmament.

13. Cuba, on the other hand, is ready to begin such negotiations immediately and has made its position known both in its national capacity and as a party to declarations and documents issued by the Non-Aligned Movement or, in the context of the Conference on Disarmament, the Group of 21.

Norway

[Original: English]
[16 May 2008]

1. Norway refers to its report submitted in 2005. Norway continues to promote the universalization of the Non-Proliferation Treaty, the Biological and Toxin Weapons Convention and the Chemical Weapons Convention. Universal adherence and compliance to these vital instruments and their control mechanisms provides a fundamental bulwark against the proliferation of weapons of mass destruction, including the acquisition of weapons of mass destruction by terrorist groups.

2. Norway organized in June 2006 in Oslo an international symposium on the minimization of highly enriched uranium in the civilian sector. Large quantities of

such highly enriched uranium in civilian installations pose a proliferation risk, and there is a risk that such material may fall into the wrong hands. Furthermore, Norway has supported the implementation of United Nations Security Council resolution 1540 (2004) by arranging a seminar in New York and by sponsoring regional workshops.

3. In June 2007, Norway joined the Global Partnership against Nuclear Terrorism. Norway has signed the International Convention for the Suppression of Acts of Nuclear Terrorism and will ratify this instrument in a timely manner. The Norwegian Government has in recent years focused on improving legislation on terrorism and acts of terrorism, and in February 2008 the Norwegian Parliament passed amendments to the penal legislation.

4. Norway is engaged in supporting biological safety and security in Indonesia.

Panama

[Original: Spanish]
[20 May 2008]

1. In connection with General Assembly resolution 62/33, the Republic of Panama considers that, as a strategic link in international trade and a transit country, it supports the efforts of the international community to establish measures for strengthening controls to prevent terrorist groups from acquiring weapons of mass destruction, their means of delivery and technologies related to their manufacture.

2. The Republic of Panama supports this initiative and draws attention to its development of a new vision of security, emphasizing the security of global transport and trade, through the adoption of the Panamanian Initiative for Secure Trade and Transportation (IPC&TS) as a means of reducing the threat from international organized crime and terrorism in their various forms. This involves programmes for the non-intrusive inspection of containers to detect illicit trafficking in dual-use goods and materials intended for the manufacture of weapons of mass destruction.

3. The Republic of Panama has strengthened the analysis and operational units involved in combating terrorism in the various security agencies through Act No. 14 of 18 May 2007.

Poland

[Original: English]
[28 May 2008]

1. Poland is party to numerous international agreements regulating the prevention of the proliferation of weapons of mass destruction. They include the:

(a) Treaty on the Non-Proliferation of Nuclear Weapons (NPT) of 1968;

(b) Australia Group;

(c) Wassenaar Arrangement;

(d) Global Initiative to Combat Nuclear Terrorism;

(e) Proliferation Security Initiative (PSI).

2. According to the PSI "Statement of Interdiction Principles", Poland has already taken the following steps to prevent the acquisition by terrorists of weapons of mass destruction:

(a) Undertook a review of current national legal authorities to prevent and intercept illegal trafficking of weapons of mass destruction to State and non-State actors;

(b) Participated in PSI interdiction training exercises and actual operations;

(c) Concluded relevant agreements to establish a concrete basis for cooperation (i.e. transborder cooperation in combating organized crime and terrorism);

(d) Those led to the creation of an interministerial body to coordinate the aforementioned issues.

3. It should be stressed that Poland has no reserves of weapons of mass destruction or their components. Therefore, there is no direct threat of the spread of weapons of mass destruction (or the technologies of their production) from Poland. Potential threats might be related to illegal trafficking in dual-use items. To this end, Poland has adopted several legal solutions aimed at effective prevention of such practice.[1]

Activities of the Polish Border Guard

4. To prevent illegal movement of chemical substances, radiometrical control was introduced in 1990 at all border crossing points. Since that time the system of the control has been systematically developed. Border Guards use stationary equipment (so-called radiometric gates) and mobile signal and measurement devices to control vehicles and persons at border crossing points.

5. In the case of radioactive materials disclosure, the Border Guard initiates procedures in cooperation with competent authorities, including the State atomic agency. In the prevention of smuggling of dangerous chemical substances and dual-use substances, additional forms of secondary security control are using different devices, e.g. toxin gas indicators.

6. The International Atomic Energy Agency in Vienna estimated the radiometric control system in Poland as the best in Europe and one of the most developed in the world.

7. On 21 December 2007, Poland entered into the Schengen zone agreement, and border controls at Polish internal EU borders were abolished. To compensate for the abolishment of the control at the borders the Polish Border Guard enhanced the control system inside the country, particularly on roads in border regions and international transport roads. Radiometric control equipment is being adapted accordingly to perform tasks in mobile control conditions.

8. Border Guard systematically modernize the equipment used in radiometric control. United States aid is also foreseen to this end. In March 2008 talks started

[1] These legal solutions are listed in the full text of the information provided by Poland, which is available on the website of the Office for Disarmament Affairs.

with United States Department of Energy representatives. In the framework of the Second Line of Defense programme, the United States party proposes assistance in acquiring modern equipment for stationary and mobile radiometric control. Moreover, a pilot project is being created for realization of a remote monitoring system of stationary devices for radiometric control at border crossing points, thanks to United States financial aid.

9. The Border Guard cooperates with national services (e.g. Internal Security Agency, Custom Service) in the realization of a broad range of tasks connected with the prevention of proliferation of substances used to produce weapons of mass destruction and prevention of terrorism as well, which is a new task for the Border Guard introduced in 2007. The cooperation includes exchange of information, and apprehension of suspected persons and commodities. The Border Guard will participate in activities of the anti-terrorism centre, which is being created within the Internal Security Agency, and whose task it is to assist Government Security Centre in case of danger of terrorist attacks.

10. Cooperation within the framework of the Proliferation Security Initiative (known also as the Cracow Initiative) — an international initiative to combat proliferation of substances used in producing weapons of mass destruction announced by President G. W. Bush in Cracow in 2003 — is an important element of strengthening capacities to prevent terrorists from acquiring weapons of mass destruction.

11. The Border Guard is an active participant in the activities arising from Poland's membership in PSI since the beginning of the Initiative. So far Border Guards have taken part in 11 international exercises and strategic games of different kinds used as practical verification of organizational, technical and legal arrangements to prevent proliferation, decision-making processes and international cooperation.

12. The Polish-Ukrainian exercise Eastern Shield is an example of the most recent PSI activities. The exercise was carried out on 25 and 26 October 2007, in Ukraine, with the participation of, among others, Romania and Georgia, and many international observers. The exercise dealt with maritime, road and air aspects of dual-use substance interceptions, including anti-terrorist action.

13. This year the Border Guard participated in the preparation of the international exercise "Adriatic Shield", carried out on 12 to 14 May 2008 in Croatia, and it shared its experiences concerning the organization of PSI exercises with border services of Croatia and other western Balkans countries. The exercise will deal with the maritime dimension of proliferation.

14. The Border Guard is involved also in works related to the national PSI mechanism-building process. It is connected to regulation of legal and organizational aspects of inter-institutional cooperation, and with setting up rules on gathering, analysing and exchanging information. The establishment of the inter-agency team for non-proliferation by the Prime Minister Order of 3 April 2008 was an important step in this direction. The Border Guard will soon participate also in exchange of information and perform exercises through a pilot version of the Internet-based, inter-agency, secure portal "Hamster" devoted to PSI elaborated by Polish experts.

15. Participation, since March 2008, in the Global Initiative to Combat Nuclear Terrorism, set up by the United States of America and Russia in 2006, is a new field of Border Guard activity in the area of preventing terrorists from acquiring weapons of mass destruction. On 31 March and 1 April 2008 Border Guard experts participated in a Global Initiative technical experts meeting in Washington on the elaboration of a strategic and comprehensive global document to arrange, integrate and supplement existing guidelines in the area of detection of nuclear and radioactive materials.

16. Cooperation with United States governmental agencies led also to plans to train in the identification of dual-use substances. In April 2008 experts of the United States Department of Energy trained 25 Border Guard officers, who will share that knowledge with other officers.

Qatar

[Original: English]
[17 June 2008]

The State of Qatar has ratified the Treaty on the Non-Proliferation of Nuclear Weapons, the Chemical Weapons Convention, the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction, and the Comprehensive Nuclear Test-Ban Treaty. In the framework of implementation of these conventions, the State of Qatar promulgated law No. 21 (2002), on protection against radiation, and the Chairman of the Supreme Council for the Environment and Natural Reserves issued a decision that sets out the regulations of that law. The law and its regulations control the process of possession of radioactive materials at all stages, including the import, export, transport, storage, use and disposal of radioactive waste, which prevents those materials from falling into the hands of terrorists, thus preventing its use in dirty bombs and the like. In addition, law No. 17 (2007) concerning chemical weapons has been promulgated. Its regulations have been prepared and are being reviewed. With this law and its regulations, chemicals connected to chemical weapons can be controlled and monitored and their possession regulated.

Slovakia

[Original: English]
[29 April 2008]

The Government of Slovakia wishes to draw the attention of Member States of the United Nations to the national report it had submitted in accordance with United Nations Security Council resolution 1540 (2004). That report, submitted pursuant to paragraph 4 of the resolution, covers domestic controls established to prevent the proliferation of nuclear, chemical or biological weapons and their means of delivery, including appropriate controls over related materials. The report is publicly available on the website of the United Nations Security Council 1540 Committee.

Ukraine

[Original: Russian]
[3 June 2008]

1. Ukraine, like all civilized countries, is well aware of the risk of terrorist organizations using weapons of mass destruction and pays ongoing attention to the issue of preventing terrorists from acquiring components of such weapons in the territory of Ukraine.

2. Presidential Decree No. 105/2007 of 12 February 2007 on the national security strategy of Ukraine states:

> "Terrorism poses a serious danger to the international community and individual States, including Ukraine. This threat is increasing significantly because of the likelihood of the use of weapons of mass destruction.
>
> In this connection, one of the strategic priorities of national security policy is to create external conditions conducive to the development and security of the State, including support for international peace and security through continued participation in international peacekeeping activities, multilateral measures to prevent the proliferation of weapons of mass destruction, terrorism, transnational organized crime, trafficking in persons, illicit drug trafficking and other challenges to international security."

3. With a view to the practical implementation of this priority, appropriate amendments were made to Ukrainian domestic law in 2007 in order to improve the State export control system.

4. Specifically, Cabinet of Ministers Decision No. 692 of 3 May 2007, on amendments to the Cabinet of Ministers Decision on issues relating to State export control, amended Cabinet of Ministers Decision No. 86 of 28 January 2004 approving the procedure for State control of international transfers of dual-use goods. The amendments concern issues relating to the export of technology and were adopted with a view to reducing the risk of leakage of high technology from Ukraine and establishing tighter State control of international transfers of such technology and its subsequent use by the end-user for the stated purposes.

5. In addition, Cabinet of Ministers Decision No. 1012 of 8 August 2007 amending annex 5 to the procedure for State control of international transfers of dual-use goods introduced amendments to the list of dual-use goods that could be used in the production of bacteriological (biological) and toxin weapons. The amendments are aimed at expanding the list and bringing it into line with the requirements of the Australia Group international export control regime.

III. Information received from international organizations

The summaries in the present section, which describe measures taken by international organizations on issues relating to the linkage between the fight against terrorism and the proliferation of weapons of mass destruction, are based on the replies received from the respective organizations. Full versions of the inputs are available from the Office for Disarmament Affairs of the Secretariat.

A. United Nations system

International Atomic Energy Agency

[Original: English]
[14 July 2008]

1. The IAEA implements a comprehensive plan for strengthening nuclear security. For effective assistance and coordination, the Agency has expanded the use of Integrated Nuclear Security Support Plans, which serve as a reference and framework for implementing nuclear security activities in States.

2. With the aim of assessing the status of technical and administrative arrangements, the Agency continued to offer nuclear security advisory missions, fact-finding missions and technical visits. Fifteen nuclear security advisory missions were carried out in 2007.

3. The Agency's Illicit Trafficking Database (ITDB) is the Agency's information system on incidents of illicit trafficking and other unauthorized activities involving nuclear and radioactive materials. As of 31 December 2007, it benefited from the participation of 98 IAEA member States and 1 non-member State. Also as of that date, States had reported or otherwise confirmed 1,340 incidents to the ITDB, of which 303 incidents involved the seizure of nuclear material or radioactive sources from persons who possessed them illegally and, in some cases, attempted to smuggle them across borders.

4. Supporting the development of nuclear security education and training continued to be a priority of the Agency. It continued to provide nuclear security training to improve and expand the practical nuclear security skills of technical and non-technical personnel in States. More than 950 participants from 87 countries participated in nuclear security training in 69 courses held during the year.

5. The removal and repatriation of vulnerable radioactive sources continued to be a priority. In 2007, 127 sources were repatriated to the United States of America from a country in Latin America and two high-activity disused sources were recovered in Africa and reconditioned and repatriated to Canada.

6. The IAEA Nuclear Security Series (NSS) of documents are designed to help States establish a coherent nuclear security infrastructures, and provide part of the framework and identify best practices for nuclear security. In 2007 the Agency published two NSS guidance documents: *Engineering Safety Aspects of the Protection of Nuclear Power Plants Against Sabotage* and *Identification of Radioactive Sources and Devices*.

7. During 2007, the IAEA Nuclear Security Equipment Laboratory continued to provide technical support to member States in their efforts to establish effective border controls, and provided 915 portable radiation detectors and the required training for use.

8. Following successful implementation of previous projects that assist member States in ensuring nuclear security at major public events, the Agency established projects with Brazil, Peru and China in preparation for major sports events (inter alia, the Olympic Games).

International Civil Aviation Organization

[Original: English]
[2 June 2008]

1. The 36th session of the Assembly of the International Civil Aviation Organization (ICAO) adopted resolution A36-19 entitled "Threat posed to civil aviation by man-portable air defence systems (MANPADS)", in order to strengthen the aviation community's efforts in addressing this threat.

2. The new five-volume edition of the Security Manual contains guidance material intended to assist States in complying with the Standards and Recommended Practices contained in Annex 17, entitled "Security". It provides specific advice on the prevention of and response to acts of unlawful interference through the application of an aviation security system.

3. Progress continues to be made in developing and implementing measures aimed at enhancing the security of travel documents, including the publication of a Supplement to Document 9303, Part 1 — Machine Readable Passports. The dissemination and sharing of information on all aspects of machine readable travel documents was also a priority throughout 2007.

4. The ICAO Universal Security Audit Programme has continued its activities in line with the direction of the ICAO Assembly. A total of 182 audits and 111 follow-up missions had been conducted as at 31 March 2008. The audits have proven to be instrumental in the identification of aviation security concerns and providing recommendations for their resolution. Follow-up visits to audited States are conducted two years after an initial audit in order to validate the implementation of State corrective action plans and to provide support to States in remedying deficiencies. These missions are demonstrating a markedly increased level of implementation of the ICAO security standards.

5. Under its implementation support and development programme, ICAO continues to provide assistance to Contracting States in the development and maintenance of a viable and sustainable aviation security system. This support helps to rectify deficiencies that have already been identified under the Universal Security Audit Programme. In 2007, 23 States received assistance to address audit deficiencies as well as to improve their security infrastructure.

6. Eighty-three States have joined the ICAO-wide aviation security point of contact network, established for the communication of imminent threats to civil air transport operations.

7. Following the threat to civil aviation operations posed by the alleged terrorist plot against civil aircraft over the North Atlantic that would have involved the component parts of an improvised explosive device, the Council approved recommended security control guidelines for the screening of liquids, aerosols and gels, which contains specifications for tamper-evident bags and guidelines for the validation process for liquids, aerosols and gels and specifications for tamper-evident bags for immediate implementation by States.

International Maritime Organization

[Original: English]
[28 May 2008]

1. In 2005, a diplomatic conference convened by the International Maritime Organization (IMO) adopted a Protocol to the 1988 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, the IMO prosecution or extradition treaty aimed at preventing and punishing acts of terrorism at sea.

2. The 2005 Protocol amends the original treaty by broadening the list of offences, such as to include the offence of using a ship itself in a manner that causes death or serious injury or damage and the transport of weapons or equipment that could be used for weapons of mass destruction. It also introduces provisions for the boarding of ships where there are reasonable grounds to suspect that the ship or a person on board the ship is, has been, or is about to be involved in the commission of an offence under the regulations of the Convention.

3. In particular the Protocol typifies as a criminal offence the use against, or on, a ship, or discharges from a ship of any explosives, radioactive material or biological, chemical or nuclear weapon in a manner that causes or is likely to cause death or serious injury or damage, when the purpose of the act is to intimidate a population, or to compel a Government or an international organization to do or to abstain from doing any act.

4. It also construes as a criminal offence the transport on board a ship of:

(a) Biological, chemical or nuclear weapons, as well as any explosive or radioactive material, intended to cause death or serious injury or damage for the purpose of intimidating a population, or compelling a Government or an international organization to do or to abstain from doing any act;

(b) Any source material, special fissionable material, or equipment or material designed for processing, use or production of it, knowing that this material is intended to be used in a nuclear explosive activity or in any other nuclear activity not under safeguards pursuant to an IAEA comprehensive safeguards agreement;

(c) Any equipment, materials or software or related technology that significantly contributes to the design, manufacture or delivery of a biological, chemical or nuclear weapon, with the intention that it will be used for such purpose.

5. Exceptions from criminalization are regulated in connection with the transport material related to a nuclear weapon or other nuclear explosive device if it is transported to or from the territory of, or is otherwise transported under the control of, a State Party to the Treaty on the Non-Proliferation of Nuclear Weapons.

6. The 2005 Protocol to the 1988 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation requires ratification/accession by 12 States to enter into force. As at 28 May 2008, it had six Contracting States; 149 States are already Parties to the original 1988 treaty.

United Nations Office on Drugs and Crime

[Original: English]
[28 May 2008]

1. Since 2006, the Terrorism Prevention Branch of the United Nations Office on Drugs and Crime has increasingly been giving attention to the issue of nuclear terrorism, as part of its ongoing technical assistance delivery on counter-terrorism legal and related capacity-building issues.

2. Specialized activities have been organized pursuant to Economic and Social Council resolution 2005/19 and recent General Assembly resolutions, which recognized the role of the Branch in assisting States in ratifying and implementing the International Convention for the Suppression of Acts of Nuclear Terrorism and other recent legal instruments, including the amendment of 2005 to the Convention on the Physical Protection of Nuclear Material of 1979, the Protocol of 2005 to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and the Protocol of 2005 to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf.

3. A number of thematically focused regional workshops have been organized, most recently for member States of the Commonwealth of Independent States and the Collective Security Treaty Organization (Minsk, 16-18 January 2008) and for member States of the Gulf Cooperation Council (Doha, 29-30 April 2008), in close cooperation with regional and specialized international organizations, in particular the International Atomic Energy Agency, and with the participation of specialized bodies, such as the 1540 Committee of the Security Council.

4. In addition to these regional workshops, the Branch has also been organizing national-level legislative drafting expert workshops on the criminal law aspects of the Universal Legal Framework against Nuclear Terrorism (Belgrade, 19-20 February 2008; and Kiev, 10-14 March 2008).

5. During a legal experts working group meeting on nuclear terrorism, organized in Vienna (5-7 December 2007), experts working on nuclear, criminal, maritime or international law discussed the penal provisions dealing with nuclear terrorism contained in the Universal Legal Framework against Nuclear Terrorism. On the basis of the outcome, a specialized technical assistance tool was developed that will facilitate the incorporation of the relevant provisions of the international legal instruments into national legislation.

6. The Branch has further provided legislative expertise for a number of activities organized by other international and regional organizations (panel discussion on nuclear terrorism, organized by the Office of Legal Affairs of the Secretariat and IAEA, New York, 18 June 2007; Association of Southeast Asian Nations workshop on preventing bioterrorism, Jakarta, 12-13 July 2007; lecture at the International School of Nuclear Terrorism, 7 September 2007; international conference on bioterrorism prevention, Bucharest, 7-9 October 2007).

B. Other international organizations

International Centre for Genetic Engineering and Biotechnology

[Original: English]
[11 June 2008]

1. One of the main objectives of the International Centre for Genetic Engineering and Biotechnology (ICGEB) is to promote international cooperation in developing and applying peaceful uses of genetic engineering and biotechnology, in particular for developing countries.

2. As a consequence of the recommendations issued by the United Nations Policy Working Group on the United Nations and Terrorism, which aim at the establishment of codes of conduct for scientists in relation to the safe and ethical use of biological sciences, the United Nations has contacted ICGEB, requesting the Centre to prepare a working paper on this subject. In order to avoid the imposition on scientists of a burden of guidelines, regulations and censorship intrusions, we interacted with several academies of sciences and prepared a working paper that was submitted to the United Nations-Department for Disarmament Affairs in January 2005 and subsequently presented in 2005 to the States parties to the Biological Weapons Convention.

3. The document contained some general considerations on the codes of conduct for life scientists, as well as some possible "building blocks" for their elaboration, keeping in mind the need to adapt these to specific national situations and requirements. The main elements of those "building blocks" were as follows:

(a) Codes should be considered as essential elements of scientific deontology, addressed to the individual conscience of scientists, with no automatic juridical implications;

(b) The focus should be on the individual responsibility of scientists and on the principle that ethical values shall overcome hierarchy;

(c) Codes should not define permissible or forbidden experiments, but rather elaborate the responsibility of scientists to consider the implications of their research;

(d) Codes should become an integral part of education curricula and its adherence become compulsory for any advanced scientific training in life sciences (which is already the case for all ICGEB staff and fellows, for instance);

(e) Codes should not aim at establishing principles of self-censorship, but should represent a tangible example of self-governance by the scientific community;

(f) The recognition of responsible principles of safe laboratory practice should also be included.

4. ICGEB has not progressed any further on this issue; however, should that be the wish of the States parties to the Biological Weapons Convention, ICGEB could strive to advance in the analysis of these elements, aimed at setting up a framework that could multiply the effect of those procedures and ethical principles that are already fully taken into account among the ICGEB scientists.

International Criminal Police Organization

[Original: English]
[18 April 2008]

In order to assist law enforcement authorities in its 186 member States in their efforts to fight terrorism and the proliferation of weapons of mass destruction, the International Criminal Police Organization (INTERPOL) has undertaken the following key activities:

Project Geiger: INTERPOL initiated Project Geiger, funded by the United States Department of Energy Nuclear National Security Administration, which focuses on collating and analysing information on the illicit trafficking in nuclear and radioactive materials and other unauthorized activities.

INTERPOL Bioterrorism Incident Pre-planning and Response Guide: INTERPOL has developed and published a reference manual entitled *Bioterrorism Incident Pre-Planning and Response Guide*, which provides important tools for police and other professionals to use in bioterrorism prevention and preparedness efforts. It is available on the INTERPOL public website.

Training: INTERPOL hosted the First Global Conference on Bioterrorism in March 2005, which significantly helped to raise awareness of bioterrorism worldwide. Since then INTERPOL has organized five regional training workshops and three subregional train-the-trainer sessions, which bring together police, health, prosecution and customs. As of April 2008, 429 participants from 131 countries have been through INTERPOL bioterrorism-related training programmes. INTERPOL will continue these training initiatives.

Biocrimes database: INTERPOL is developing a biocrimes database that will be composed of already identified, investigated or prosecuted crime-related bioincidents, which will be supplemented with information not available in the public domain (i.e. detection devices, crime scene investigation, laboratory analysis, related pictures and videos, etc.). In addition, the database will contain information regarding incidents involving stolen biological agents or toxins and equipment and procedures used by different member countries to manage a biorelated crime scene.

"Black Death" table-top exercise: In 2007, INTERPOL conducted a table-top exercise that brought together 30 participants from nine countries and five international organizations. The participants recognized the importance of inter-agency cooperation and the fact that they had no formal processes or procedures in place should an incident occur. The importance of police, health and emergency responders forming stronger partnerships was widely acknowledged. The majority of participants indicated that coordination among different agencies in their countries needed to be improved.

Conclusion: INTERPOL believes that it is crucial to further develop and strengthen the existing network of specialized officers working in the field of bioterrorism prevention and response through better training and appropriate legislation.

League of Arab States*

[Original: Arabic]
[12 March 2008]

1. The Council of the League of Arab States, at its 123rd session, which was held at the ministerial level on 3 March 2005, adopted resolution 6504 pursuant to which the Arab Group of Experts on Counter-Terrorism was established. That Group is one of the principal League of Arab States counter-terrorism mechanisms. It follows up the implementation of United Nations resolutions on international terrorism and assesses the difficulties facing the implementation of such resolutions and, in particular, Security Council resolution 1373 (2001) at the Arab level. The Group is comprised of experts representing the various counter-terrorism bodies in the Arab States, including ministries of Foreign Affairs, Justice, the Interior, Defence and Information.

2. The Group held its fifth meeting on 27 and 28 August 2007. The meeting focused on follow-up to the implementation of the United Nations Global Counter-Terrorism Strategy, and on counter-terrorism measures already taken or being taken by Arab States in the light of the recommendations contained in that Strategy. The discussion encompassed measures to prevent terrorists from acquiring weapons of mass destruction, including the monitoring of borders; detection of the movement of terrorists; detection and prevention of illicit traffic in weapons and nuclear, chemical, biological or radiological weapons and materials; and identification of State needs for technical assistance to that effect.

North Atlantic Treaty Organization

[Original: English]
[2 June 2008]

1. In April 2008, at the Bucharest Summit, the North Atlantic Treaty Organization (NATO) Heads of State and Government recognized that terrorism is and will remain a serious threat to international security. They reiterated that the Alliance remains committed to the fight against terrorism, whatever its motivation or manifestations, in accordance with international law and United Nations principles.

2. The NATO Policy Framework is stipulated in the Alliance Strategic Concept of 1999 and the Comprehensive Political Guidance of 2006. The Alliance will enhance its political efforts to reduce dangers arising from the proliferation of weapons of mass destruction and their means of delivery. The principal goal of the Alliance and its member States remains to prevent proliferation from occurring or, should it occur, to reverse it through diplomatic means.

* The full text of the information provided by the League of Arab States is available on the website of the Office for Disarmament Affairs. An executive summary was not provided for inclusion in the present report.

3. The Alliance will continue to follow the broad approach to security of the Strategic Concept of 1999 and perform the fundamental security tasks it sets out, namely security, consultation, deterrence and defence, crisis management, and partnership.

4. The Alliance continues to provide an essential transatlantic dimension to the response against terrorism. Allies remain committed to dialogue and cooperation with partners and other international organizations to fight terrorism and weapons of mass destruction proliferation, and reiterate their determination to protect allies' populations, territories, infrastructure and forces against the consequences of terrorist attacks, and potential use of weapons of mass destruction, especially those including hazards created by the deliberate release of chemical, biological, radiological or nuclear toxic industrial materials.

Organization for the Prohibition of Chemical Weapons

[Original: English]
[30 May 2008]

1. The Second Special Session of the Conference of the States Parties to Review the Operation of the Chemical Weapons Convention (hereinafter "the Second Review Conference"), which was held from 7 to 18 April 2008, "noted with concern that, along with the continued threat of the possible use of chemical weapons by States under any circumstances, the international community also faces the increased danger of the use of chemical weapons by terrorists or other non-State actors. In this context, the Second Review Conference recalled the decision of the Council concerning the OPCW's contribution to global anti-terrorist efforts (EC-XXVII/DEC.5, dated 7 December 2001) and affirmed its continuing relevance".

2. The Second Review Conference further defined areas of concern; it noted "the possibility of the use of chemical weapons, as defined by the Convention, by non-State actors such as terrorists", and "underlined the importance of the implementation of article X in this regard by the States Parties and the Secretariat".

3. Furthermore, "the Second Review Conference reaffirmed the autonomous and independent status of the OPCW and took cognizance of the resolutions of the United Nations on combating terrorism. The Second Review Conference, in this regard, invited States Parties to consult and cooperate both bilaterally and regionally on ways to prevent terrorists from acquiring and/or using chemical weapons. The Second Review Conference also took note of the work of the OPCW Open-Ended Working Group on Terrorism".

4. OPCW is encouraged by the explicit recognition of its role in the global anti-terrorism efforts being undertaken by the United Nations, as defined in General Assembly resolution 60/288, dated 8 September 2006, on the United Nations Global Counter-Terrorism Strategy, and General Assembly resolution 61/68 entitled "Implementation of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction".

5. OPCW is also encouraged by Security Council resolution 1540 (2004), and recently adopted Security Council resolution 1810 (2008), in which the Council decided to "encourage the 1540 Committee to engage actively with States and

relevant international, regional and subregional organizations to promote the sharing of experience and lessons learned in the areas covered by resolution 1540 (2004) and to liaise on the availability of programmes which might facilitate the implementation of resolution 1540 (2004)".

6. OPCW is an active member of the United Nations Counter-Terrorism Implementation Task Force and through this Task Force supports a number of initiatives aimed at tackling the global threat posed by the acquisition of weapons of mass destruction by terrorists.

Organization of American States

[Original: English]
[29 May 2008]

1. The Organization of American States (OAS) maintains its position against the proliferation and use of weapons of mass destruction.

2. In its most recent resolution on the topic, AG/RES. 2333 (XXXVII-O/07), adopted in June 2007, the OAS General Assembly reiterated its support for the implementation of United Nations Security Council resolution 1540 (2004).

3. The General Assembly also instructed the Permanent Council to hold a regional workshop in 2008 on the implementation of resolution 1540 (2004), to examine reporting by the member States to the 1540 Committee and other ways in which States of the Hemisphere might contribute, from a subregional perspective, to the implementation of that resolution.

Inter-American Committee against Terrorism

4. The Inter-American Committee against Terrorism secretariat, located within the secretariat for multidimensional security, is engaged in discussions with the United Nations Office for Disarmament Affairs aimed at having a joint event in each of the subregions of the Americas on resolution 1540 (2004), in an effort to maximize resources and harmonize agendas, and it participated in a subregional seminar of the Office for Disarmament Affairs on implementing Security Council resolution 1540 (2004), held for Caribbean countries in Jamaica in May 2007.

5. The Inter-American Committee against Terrorism continues to collaborate on resolution 1540 (2004) with various entities of the United Nations system, including the 1540 Committee of experts, the Office for Disarmament Affairs and the International Atomic Energy Agency, which has resulted in securing the attendance of a 1540 Committee member at an OAS Committee on Hemispheric Security meeting on the implementation of the resolution, held on 31 January 2008.

Committee on Hemispheric Security

6. The Committee on Hemispheric Security of the OAS Permanent Council held a meeting on 11 December 2006, on the theme "Combating proliferation of nuclear, chemical and biological weapons, their vector systems and related materials", in compliance with OAS General Assembly resolutions AG/RES. 2246 (XXXVI-O/06) and AG/RES. 2107 (XXXV-O/05), which call for compliance with the commitment to convert the Americas into a region free of biological and chemical weapons.

7. The special meeting of the Committee was dedicated to the promotion of universal adherence to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, as well as to sharing experiences regarding legislative and administrative measures needed to implement the Convention, and to the efforts by member States to comply with their commitment to making the Americas a region free of biological and chemical weapons. Additionally, that special meeting was dedicated to combating the proliferation of nuclear, chemical and biological weapons, their vector systems and related materials, under Security Council resolution 1540 (2004).

Organization for Security and Cooperation in Europe

[Original: English]
[3 April 2008]

Promoting implementation of United Nations Security Council resolution 1540 (2004)

1. With the rise of the threat of terrorism, the issue of non-proliferation of weapons of mass destruction has taken a firm place on the Organization for Security and Cooperation in Europe (OSCE) agenda. Building on the results of work in 2005, the OSCE Forum for Security Cooperation (FSC) held a workshop on the implementation of United Nations Security Council resolution 1540 (2004) on 8 November 2006. The workshop showed that, given the global dimension of the threat of weapons of mass destruction, all OSCE participating States should address the posed challenges by actively taking steps on a national basis, and in cooperation with other States and international organizations, to ensure comprehensive attention to the measures required. States agreed to: (1) provide, as and if appropriate, additional information to the 1540 Committee on national implementation as part of the ongoing process of implementation of Security Council resolution 1540 (2004), including, for instance, in the form of a road map or action plan; (2) remain seized of the matter in the Forum in 2007 and hold further exchange of views, also with OSCE Partners for Cooperation, with the goal of furthering United Nations efforts by promoting lessons learned, sharing experiences and facilitating the identification of assistance needs for national implementation. The subsequent Ministerial Council endorsed the decision taken in the Forum (see MC.DEC/10/06).

2. In 2007, OSCE participating States remained seized on the matter of the proliferation of weapons of mass destruction in the framework of the Forum for Security Cooperation. On the basis of experiences gained in the OSCE region with the national implementation of resolution 1540 (2004), States started preparing a handbook of best practice guides for implementation. This handbook will constitute a compendium of suggested implementation practices and assist in the continuing development of national action plans. OSCE participating States and other States will be able to foster better coordination of regional assistance activities. In addition, in November 2007, OSCE declared its support for the Global Initiative to Combat Nuclear Terrorism, and encouraged all OSCE participating States and OSCE Partners for Cooperation that are not already partner nations to join the initiative (see FSC.DEC/14/07). The decision reaffirmed the commitments made by OSCE participating States to prevent and combat terrorism in all its forms and manifestations.

Promoting the International Legal Framework to Combat Nuclear Terrorism

3. Related to the linkage between the fight against terrorism and proliferation of weapons of mass destruction is the OSCE work on strengthening the international legal framework in countering terrorism, and especially nuclear terrorism. The ratification of the Universal Anti-terrorism Conventions and Protocols remains a major commitment of OSCE participating States. To complement the promotion of implementing Security Council resolution 1540 (2004), the OSCE Action against Terrorism Unit (ATU), in close collaboration with other relevant international organizations, supports OSCE participating States in not only the ratification of the Universal Anti-terrorism Instruments, but specifically the ratification of the International Convention for the Suppression of Acts of Nuclear Terrorism and the Convention on the Physical Protection of Nuclear Material. To this end, ATU co-organized one national and two subregional workshops within the last year.

4. In April 2007, ATU assisted the United Nations Office on Drugs and Crime in organizing the subregional national nuclear terrorism convention workshop in Tashkent, Uzbekistan. The event was attended by representatives of law enforcement agencies, parliamentarians responsible for drafting legislation on combating terrorism, and experts from the United Nations Office on Drugs and Crime, OSCE, IAEA, the Russian Federal Atomic Energy Agency and the regional anti-terrorism structure of the Shanghai Cooperation Organization. From 16 to 18 January 2008, ATU supported the United Nations Office on Drugs and Crime and the Commonwealth of Independent States (CIS) Executive Secretariat in co-organizing a legal workshop for CIS countries on criminal law aspects of countering nuclear, chemical and biological terrorism in the light of relevant universal instruments in Minsk. The workshop was attended by delegations of nine CIS countries, experts from the United Nations Office on Drugs and Crime, OSCE, the CIS Executive Secretariat, its Parliamentary Assembly and Anti-Terrorism Centre, the United Nations Security Council 1540 Committee, IAEA, the International Maritime Organization and the Organization for the Prohibition of Chemical Weapons. Similarly, upon request of the Serbian authorities, ATU co-organized with the United Nations Office on Drugs and Crime a legislative drafting workshop on the criminal law aspects of the Universal Legal Framework against Nuclear Terrorism in Belgrade, on 19 and 20 February 2008. International experts advised on how to harmonize national criminal legislation with the State's obligations under the universal legal instruments related to nuclear terrorism.

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The rule of law at the national and international levels

Programme budget for the biennium 2008-2009

Revised estimates relating to the programme budget for the biennium 2008-2009 related to the Rule of Law Unit

Report of the Secretary-General

Summary

The present report is submitted pursuant to paragraph 4 of General Assembly resolution 62/70. It describes the establishment of the Rule of Law Coordination and Resource Group and the Rule of Law Unit in the Executive Office of the Secretary-General. Should the General Assembly agree with the proposal to provide resources to support the Unit on an ongoing basis, additional resources in the amount of $953,800 for the Rule of Law Unit would be required under the programme budget for the biennium 2008-2009.

* A/63/150.

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I. Overview

1. The present report is submitted pursuant to paragraph 4 of General Assembly resolution 62/70, which reads:

> "*Notes with appreciation* the report of the Secretary-General entitled 'Uniting our strengths: enhancing United Nations support for the rule of law', supports the Rule of Law Coordination and Resource Group, supported by the rule of law unit in the Executive Office of the Secretary-General, under the leadership of the Deputy Secretary-General, and requests the Secretary-General to provide details on the staffing and other requirements for the unit without delay to the General Assembly for its consideration during the sixty-second session in accordance with existing relevant procedures".

2. In response to the above request, the present report describes: the establishment of the Rule of Law Coordination and Resource Group and the Rule of Law Unit; the rationale for the Unit; the functions of the Unit; and the staffing and other resource requirements for the Unit. The delay in the issuance of the present report was due to extensive consultations with the members of the Group.

A. Establishment of the Rule of Law Coordination and Resource Group and the Rule of Law Unit

3. At the 2005 World Summit, Member States called for a renewed effort to strengthen United Nations activities to promote the rule of law. In paragraph 134 (e) of the 2005 World Summit Outcome (General Assembly resolution 60/1), the General Assembly supported "the idea of establishing a rule of law assistance unit within the Secretariat, in accordance with existing relevant procedures, subject to a report by the Secretary-General to the General Assembly, so as to strengthen United Nations activities to promote the rule of law, including through technical assistance and capacity-building".

4. In paragraph 4 of its resolution 61/39 on the rule of law at the national and international levels, the General Assembly urged the Secretary-General, as a matter of priority, to submit the report on the establishment of a rule of law assistance unit within the Secretariat, in conformity with paragraph 134 (e) of the 2005 World Summit Outcome.

5. Pursuant to the resolutions referred to above, the Secretary-General issued a report entitled "Uniting our strengths: Enhancing United Nations support for the rule of law" (A/61/636 and Corr.1-S/2006/980 and Corr.1), wherein he informed the General Assembly of his decision to create the Rule of Law Coordination and Resource Group, consisting of key United Nations departments, agencies, funds and programmes, chaired by the Deputy Secretary-General and supported by a small substantive unit. The report also reflected the Secretary-General's decision to designate lead United Nations entities in many rule of law categories (ibid., paras. 44 and 45).

6. Paragraph 4 of resolution 62/70 reaffirmed the support of Member States for the establishment of the Group and of the Unit in the Executive Office of the Secretary-General, under the leadership of the Deputy Secretary-General.

7. The Group was established to act as the focal point at Headquarters for coordination of system-wide attention on the rule of law so as to ensure quality, policy coherence and coordination. As such, the Group is an inter-agency mechanism consisting of the principals of the Department of Political Affairs, the Department of Peacekeeping Operations, the Office of the High Commissioner for Human Rights, the Office of Legal Affairs, the United Nations Development Programme, the United Nations Children's Fund, the United Nations Development Fund for Women, the United Nations High Commissioner for Refugees and the United Nations Office on Drugs and Crime. It meets periodically to share information, coordinate activities and make decisions with respect to the tasks set out in the Secretary-General's report (ibid., para. 48).

8. The Unit has been established to support the Group and the Deputy Secretary-General as chair of the Group in carrying out and implementing the above-mentioned tasks. The functions of the Unit therefore fall into three broad areas of activity: ensuring coordination and coherence among the United Nations departments, agencies, funds and programmes engaged in rule of law activities; developing system-wide strategies, policy direction and guidance for the Organization's activities in promoting the rule of law; and enhancing partnerships between the United Nations and the many other actors engaged in rule of law activities. Operational roles within the three main areas of rule of law activities remain with the various departments, agencies, funds and programmes. These areas consist of the rule of law at the international level, the rule of law in the context of conflict and post-conflict situations, and the rule of law in the context of long-term development.

B. Rationale for the Rule of Law Unit

9. The dispersal of various rule of law entities across the United Nations system has made it difficult for the Organization to act and deliver in a coordinated manner. Furthermore, these capacities are limited in scope despite the vast range of activities and practical experience the Organization has gained. The ability of the Organization to reliably draw upon or improve its knowledge base has been insufficient, and the present limited capacity to retain meaningful institutional memory needs to be improved. Cooperation among the various entities has been limited, and joint assessments, planning and programming in the rule of law are not systematically carried out. As a result, rule of law activities are sometimes duplicative, segmented or ad hoc. This ad hoc and "stove-piped" approach to United Nations rule of law assistance means that the United Nations system does not have a strategy, a coherent approach or priorities for rule of law assistance, and that the assistance provided can be inefficient and ineffective.

10. The various United Nations departments, agencies, funds and programmes conduct rule of law activities in the context of their respective mandates, and cover specific aspects and areas of the rule of law. Consequently, the full range of rule of law issues can be addressed only collectively by the United Nations system, and not by an individual department, agency, fund or programme. Despite this, the United Nations has not had a mechanism to support coordination within the United Nations system, and to facilitate the development of guidance, best practices and information management systems that ensure that the United Nations system

responds in a coherent manner to requests from Member States and/or mandates from the Security Council in the area of the rule of law.

11. The Deputy Secretary-General, as Chair of the Group, has been designated the United Nations system coordinator for the rule of law. Under the leadership of the Deputy Secretary-General, the Unit provides a central address for the rule of law and helps to strengthen and rationalize United Nations rule of law capacities among the various departments, agencies, funds and programmes by serving as the Headquarters focal point for coordinating system-wide attention to the rule of law so as to ensure greater quality and harmonization of approaches. In support of the Group, the Unit will identify areas of synergy, and facilitate collaboration and coordination among the various United Nations departments, agencies, funds and programmes, as well as with external partners, to improve the quality of the rule of law assistance the Organization provides to Member States at their request. The Unit's role is unique because, unlike the various United Nations entities engaged in the rule of law across the system, it supports coherence and coordination of rule of law efforts across the entire spectrum of United Nations assistance — in conflict prevention, peacemaking, peacekeeping, peacebuilding, and long-term development — and at both the national and international levels.

12. The Unit fills the critical gap in ensuring that the United Nations system collectively addresses rule of law issues in the most strategic, efficient and effective manner possible. This involves capturing the wealth of experience and knowledge gained in the past 20 years across the United Nations system and assisting the Organization to apply those lessons to define appropriate joint rule of law strategies at the country level based on the thorough understanding of a country's rule of law needs and challenges (within its particular political, economic and social context). To this end, the Unit will help to ensure that the United Nations assists national stakeholders to develop their own national strategies, priorities and plans that will inform the development of joint United Nations rule of law programmes in support of these efforts with clear implementation arrangements vis-à-vis roles and responsibilities among the various United Nations departments, agencies, funds and programmes.

13. The Unit will assist in streamlining the work of various United Nations departments, agencies, funds and programmes at the global level by establishing mechanisms that minimize duplication and promote synergy in the development of policy and guidance materials, as well as the implementation of training and other global activities. By reducing duplication and overlaps in the Organization's rule of law activities, the Unit will be in a position to assist the Group to pool and maximize effective use of resources that will result in significant overall efficiency in the United Nations work in the area of rule of law.

C. Functions of the Rule of Law Unit

14. The functions of the Unit set out below support the Deputy Secretary-General as Chair and the Group in achieving the Group's tasks as outlined in paragraph 48 of the Secretary-General's report entitled "Uniting our strengths: Enhancing United Nations support for the rule of law" (A/61/636 and Corr.1-S/2006/980 and Corr.1):

(a) *Coordinating United Nations rule of law assistance*. The Unit will focus on overall coordination and support entities in performing their responsibilities in an

effective and efficient manner as required. The Unit will work with the United Nations system and other partners to examine existing strategic frameworks and programmes to minimize overlap and duplication; support the development of a shared United Nations vision for rule of law assistance, joint strategies and workplans; assist in the identification of gaps in United Nations rule of law capacities and strategies in order to fill them; participate in inter-agency and integrated mission planning processes as needed; liaise with key departments, agencies, funds and programmes; and interact with United Nations system coordination mechanisms in order to further integrate, coordinate and improve the quality of rule of law activities. The Unit will act as a convener, working with the various departments, agencies, funds and programmes, to ensure the development of coherent and integrated rule of law programmes in support of national strategies, priorities and plans, and support the development of joint United Nations plans for the implementation of these programmes with clear division of labour and responsibilities among the various United Nations entities. The Unit will serve as a convening mechanism for United Nations constitutional assistance issues, capable of drawing on existing resources from within and outside the United Nations system, as well as mobilizing and coordinating the provision of appropriate expertise and resources to support constitution-making processes when requested by national and transitional authorities. Furthermore, the Unit will regularly convene all United Nations rule of law entities at the expert level to discuss rule of law developments and efforts, and to share information. The Unit will also serve as secretariat to the Group, including supporting the Deputy Secretary-General in her role as Chair of the Group. In this regard, the Unit will develop the Group's agenda, and provide substantive background information, analyses, and policy papers to inform the work of the Group (ibid., paras. 48 (a), (d), (f) and (g)).

(b) *Developing United Nations system-wide strategies, policy direction and guidance*. The Unit, in conjunction with relevant United Nations entities, will assist in the development of overall cross-cutting guidance for rule of law assistance; serve as a resource for the Peacebuilding Commission and Peacebuilding Support Office on rule of law issues, as well as other intergovernmental bodies; draft Secretary-General reports on strengthening and coordinating United Nations rule of law activities for intergovernmental bodies as required; develop guidance notes on key cross-cutting thematic rule of law issues, as well as constitutional assistance; develop policy papers and commission research on cross-cutting rule of law issues; support capacity-building to implement policies and guidance; and gather and analyse information relating to the availability of funding for rule of law activities. The Unit will also support the promotion of the rule of law in international relations. The Unit, in consultation with other departments, agencies, funds and programmes, will also compile best practices in the rule of law across the United Nations system, and create a system for collecting, housing and sharing best practices with all partners. It will also act as a repository for United Nations system rule of law materials, including the identification and endorsement of core rule of law materials (ibid., paras. 48 (b), (c), (e), (h) and (k)).

(c) *Enhancing partnerships within the United Nations system and external actors on rule of law assistance*. The Unit will facilitate the establishment of effective and strategic partnerships within the United Nations system among the relevant United Nations rule of law entities, and with other actors, such as bilateral, non-governmental organizations and institutes, in order to tap into their expertise,

including through support to the development of rosters, and to encourage them to apply United Nations standards and rights-sensitive approaches. Furthermore, the Unit will help ensure that the United Nations responds effectively and coherently to requests from Member States for assistance, facilitating contact between United Nations entities involved in rule of law programming and Member States, regional and intergovernmental organizations, donors and non-governmental organizations, and to assist in mobilizing resources (ibid., paras. 48 (i), (j) and (l)).

II. Resource requirements of the Rule of Law Unit

15. In early 2007, the Secretary-General constituted the Unit to be comprised "of up to four Professional staff, to be seconded from key United Nations actors during the initial phase" (A/61/636 and Corr.1-S/2006/980 and Corr.1, para. 49). Accordingly, four staff members in the Professional category were made available to the Unit from the United Nations Development Programme (1 D-2 and 1 P-3), the Department of Peacekeeping Operations (1 P-4), and the Office of Legal Affairs (1 P-5). During 2007, it was envisioned that this arrangement would continue to be the basis for the long-term operation of the Unit, supplemented by extrabudgetary resources. However, the departments and agency providing the staff made it clear that the arrangement is not open-ended, but rather was intended to bridge the gap between consideration of the present report and decision of further arrangements by Member States, and that they would not be able to continue funding this arrangement beyond 31 December 2008.

16. Based on the experience gained during this initial period, it has been determined that the staffing complement of four posts would not be adequate for the long-term effective functioning of the Unit. The Secretary-General is of the view that in order for the Unit to function effectively, seven posts (1 D-2, 1 P-5, 2 P-4, 1 P-3 and 2 General Service (Other level)) would need to be established effective 1 January 2009 for the Rule of Law Unit, for which additional resources in the amount of $588,700 would be required. The functions of the posts are described in the annex to the present report.

17. In addition to the post resources, the Unit would require general temporary assistance resources in the amount of $35,000, representing six months at the General Service level to meet peak workloads, as well as operational costs in the amount of $330,100 for office accommodation, commercial communications, supplies, furniture and equipment related to the establishment of the seven posts.

18. Accordingly, should the Assembly agree with the proposed arrangements for the Unit, additional resources in the amount of $953,800 would be required in accordance with the provisions governing the contingency fund contained in General Assembly resolutions 41/213 and 42/211. In this regard, it is recalled that the Assembly, in its resolution 61/254, decided that the contingency fund for the biennium 2008-2009 should be set at $31.5 million. The balance of the contingency fund following decisions taken by the Assembly at the main part of its sixty-second session amounts to $12,191,000.

19. All new posts reflected in the present report are proposed to be effective 1 January 2009. As recommended by the Advisory Committee on Administrative and Budgetary Questions in paragraph 20 of its first report on the proposed programme budget for the biennium 2008-2009 (A/62/7 and Corr.1) that information

on the delayed impact of posts should be reflected in any new proposals, the Assembly may wish to note that the additional requirements for the full costing of the proposed seven new posts in the biennium 2010-2011 are currently estimated at $2,440,500 under section 1, Overall policymaking, direction and coordination ($2,100,100), and section 35, Staff assessment ($340,400) to be offset by an equivalent amount under Income section 1, Income from staff assessment.

III. Extrabudgetary resources

20. The Deputy Secretary-General requested voluntary contributions from Member States to fund activities of the Unit in August 2007, including, inter alia, the design of a United Nations system-wide rule of law website, development of a United Nations rule of law database as a repository for all materials, lessons learned and best practices, organization of workshops and seminars that bring together United Nations entities with a wide range of partners, including Member States, donors, academics, and non-governmental organizations.

21. The purpose of seeking voluntary contributions was to support key inputs necessary to implement activities that sought to enhance United Nations system coherence and coordination in the area of the rule of law. Given that it is critical for the Unit to fulfil its role in this start-up period, the Unit required immediate resources from which to draw upon and therefore voluntary contributions were sought.

22. To date, the Unit has received $364,790 from Austria, Finland, the Netherlands, New Zealand and Sweden for its activities, based on the above request. Pledges have been made by Belgium and the United Kingdom of Great Britain and Northern Ireland. The funds received to date are being used to support the Unit's activities and the estimated requirements by object of expenditure is provided in the table below.

Object of expenditure	*Estimated requirements for the biennium 2008-2009*
Other staff costs	100 000
Consultants and experts	95 900
Travel of representatives	15 800
Travel of staff	40 900
Contractual services	12 000
Supplies and materials	300
Total	**264 900**

IV. Actions required of the General Assembly

23. Should the General Assembly agree with the proposals contained in the present report to provide the necessary resources to support the Unit on an ongoing basis, it may wish to:

(a) Approve the establishment of seven new posts (1 D-2, 1 P-5, 2 P-4, 1 P-3 and 2 General Service (Other level)) for the Rule of Law Unit effective 1 January 2009 under the programme budget for the biennium 2008-2009;

(b) Appropriate a total amount of $953,800 under the programme budget for the biennium 2008-2009, comprising increases under section 1, Overall policymaking, direction and coordination ($665,000), section 28D, Office of Central Support Services ($288,800); as well as an increase under section 35, Staff assessment ($95,800), to be offset by a corresponding amount under Income section 1, Income from staff assessment. The provision would represent a charge against the contingency fund.

Annex

Functions of the new posts proposed for establishment for the Rule of Law Unit

1. **Director of the Rule of Law Unit (D-2):**

   (a) Ensure overall direction, resource mobilization and supervision of the work of the Unit;

   (b) Provide substantive advice to the Deputy Secretary-General (as Chair of the Rule of Law Coordination and Resource Group) on rule of law strategy, policy, coordination and building coherence in United Nations activities in this field, including by convening the Rule of Law Coordination and Resource Group;

   (c) Advise the Deputy Secretary-General in addressing complex rule of law policy questions as they arise and mediating disagreements among United Nations rule of law entities that cannot be solved at the sector or country level and, if necessary, presenting such disputes to the Secretary-General for decision;

   (d) Provide substantive advice to the Deputy Secretary-General and the Group on the development of overall strategies for rule of law assistance, and to the chairs of intergovernmental bodies, including the Peacebuilding Commission;

   (e) On behalf of the Deputy Secretary-General, liaise regularly with the principals of key United Nations entities dealing with rule of law issues, as well as with Member States or other stakeholders on United Nations rule of law strategies and coordination;

   (f) Represent the Secretary-General and the Deputy Secretary-General on overall rule of law issues with Member States, donors, and other stakeholders.

2. **Senior Rule of Law Officer (P-5):**

   (a) Act as the Deputy and assist the Director in the development of the work of the Rule of Law Unit, and the creation of conditions for implementing that direction;

   (b) Assist in the development of overall strategies for the United Nations in rule of law and related areas, and facilitate contact between United Nations rule of law entities and Member States, regional and intergovernmental organizations, donors and non-governmental organizations for the purpose of developing partnerships;

   (c) Support the promotion of the rule of law in international relations;

   (d) Act as a substantive resource for the Peacebuilding Commission and Peacebuilding Support Office on rule of law issues;

   (e) Assist with resource mobilization efforts and liaise with donors;

   (f) Represent the Unit at inter-agency meetings as well as international, regional or national meetings.

3. **Rule of Law Officer (P-4):**

(a) Support the implementation of a strategy on developing effective partnerships with external entities, including Member States, rule of law assistance providers, intergovernmental, regional and non-governmental organizations;

(b) Liaise with partners in the rule of law area, and organize and facilitate round tables and seminars between the United Nations system and external partners, including developing agendas, acting as rapporteur and writing reports;

(c) Facilitate contact between United Nations entities involved in rule of law programming and Member States, regional and intergovernmental organizations, donors and non-governmental organizations to tap into their expertise, including through support to the development of rosters, and to encourage them to apply United Nations standards and rights-sensitive approaches;

(d) Oversee the management of rule of law web resources;

(e) Maintain a clearing house of information about who in the United Nations system provides what rule of law assistance as an information resource for those inside and outside the United Nations system;

(f) Support the promotion of rule of law in international relations;

(g) Assist in the provision of guidance and direction of the United Nations system in the field of rule of law, including facilitating input into the development of guidance materials and papers;

(h) Assist with developing procedures and systems for ensuring that the United Nations system responds, effectively and coherently, to requests from States for assistance, in close collaboration with United Nations entities.

4. **Rule of Law Officer (P-4):**

(a) Ensure effective coordination of United Nations system entities at the working level in support of the Rule of Law Coordination and Resource Group, including through convening meetings, drafting agendas and meeting notes, keeping abreast of emerging rule of law issues needing coordination, and developing a joint United Nations workplan;

(b) Develop talking points, input into speeches and notes for the Deputy Secretary-General, and provide input on rule of law issues, reports and materials developed within the United Nations system;

(c) Provide direction to the United Nations system in the field of the rule of law through the preparation of guidance and policy papers, lessons learned and best practices in conjunction with relevant lead entities;

(d) Prepare reports for presentation to intergovernmental bodies as appropriate;

(e) Conduct analysis of United Nations system engagement in the rule of law to identify priority gaps in capacity for the purposes of recommending increasing capacity, and assisting in the development of United Nations capacity on rule of law issues;

(f) Assist in the development of overall strategies for the United Nations in rule of law, including the promotion of the rule of law in international relations.

5. Rule of Law Officer (P-3):

(a) Assist in the implementation of coordination efforts, including calling meetings, drafting agendas and taking meeting notes;

(b) Assist in the provision of guidance and direction of the United Nations system in the field of the rule of law, including facilitating input into the development of guidance materials and papers;

(c) Convene United Nations rule of law actors to ensure that the system responds effectively and in a coordinated fashion to requests for assistance in constitution-making or reform processes;

(d) Assist in the preparation of reports, undertake research on lessons learned and best practices, and maintain a repository of United Nations-system rule of law materials;

(e) Manage the rule of law web resources;

(f) Maintain a clearing house of information about who in the United Nations system provides what rule of law assistance as an information resource for those inside and outside the United Nations system;

(g) Liaise with other United Nations departments, agencies, funds and programmes involved in rule of law programming, Member States, regional and intergovernmental organizations, and non-governmental organizations on coordination and policy matters.

6. Personal Assistant to the Director (General Service (Other level)):

(a) Provide support in managing priorities and workflow of the Director and of the Unit;

(b) Coordinate and monitor multiple and diverse activities and work processes to ensure that management directives and decisions are properly carried out and products delivered in a timely manner;

(c) Serve as first point of contact and liaison with senior officials internally and externally;

(d) Screen and prioritize all incoming correspondence;

(e) Compile relevant background documents and references, identify issues requiring the Director's attention and refer others to the relevant officer for appropriate disposition; and monitor and follow up on actions to be taken;

(f) Scan reports from specialized agencies, as well as newspapers, magazines and other periodicals and other information sources to identify articles of interest to the Director; independently handle a wide range of complex information requests and inquiries (e.g., answer requests requiring file or other research);

(g) Respond, or draft responses, to a diverse range of correspondence and other communications; support the Director in presentations to intergovernmental

bodies and other meetings, preparing notes, slides and subject files, gathering relevant documentation, etc;

(h) Establish/improve administrative procedures and systems to ensure the smooth functioning of the Unit, including filing (paper and electronic) systems; oversee the work of the office support staff;

(i) Establish priorities and deadlines, assign work and review outputs upon completion; and train office support staff in administrative, protocol and other relevant procedures.

7. Administrative Assistant (General Service (Other level)):

(a) Prepare, process and follow up on administrative arrangements and forms related to the official travel of staff;

(b) Draft routine correspondence;

(c) Maintain files of rules, regulations, administrative instructions and other related documentation;

(d) Perform other related administrative duties, as required, e.g., operational travel programme, monitoring accounts and payment to vendors and individual contractors for services, physical space planning and the identification of office technology needs and maintenance of equipment, software and systems, and organize and coordinate administrative arrangements for seminars, conferences and translations.